

IN THE IOWA DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT

IN THE MATTER OF COURT
ORDERED MEDIATION IN FAMILY
LAW MATTERS IN THE FIFTH
JUDICIAL DISTRICT

ADMINISTRATIVE ORDER 2015-27
(Amendment to 2011-22)

WHEREAS the Fifth Judicial District Family Law Mediation Program has been a successful program, helping families achieve resolution of custody, visitation, financial, property, and other issues; and

WHEREAS after several years of experience, judges and participants in the program have identified ways the process could be streamlined to improve the system for litigants, attorneys, and the courts; and

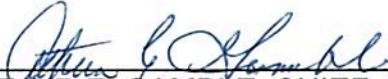
WHEREAS the Fifth Judicial District has changed from a paper document system to the Electronic Data Management System (EDMS); and

WHEREAS Attachment A contains current revised orders and certificates to be used in the Fifth District Family Law Mediation Program, and amendments should be made to several orders to streamline the process and facilitate EDMS.

THEREFORE IT IS ORDERED that Attachment A incorporates the current revised orders and certifications to be used in the Fifth Judicial District. All other provisions of Administrative Order 2011-22 (attached hereto) remain in full force and effect.

This order replaces Administrative Order 2014-1.

SO ORDERED this 30th day of March, 2015.


ARTHUR E. GAMBLE, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Cc: All Judges, Fifth Judicial District
All Clerks of Court, Fifth Judicial District
All District Court Court Attendants and Judicial Assistants, Fifth Judicial District
All Case Coordinators, Fifth Judicial District
All Bar Associations, Fifth Judicial District
Carol Burdette, Executive Director, Polk County Bar Association
Joe Harrison, 5th District Mediation Director, Polk County Bar Association
Iowa Supreme Court Justice David Wiggins, Fifth District Liaison Justice
David Boyd, State Court Administrator
Molly Kottmeyer, Legal Counsel to the Chief Justice, Iowa Supreme Court

FILED
POLK COUNTY, IA.
15 MAR 30 PM 2:37
CLERK DISTRICT COURT

Administrative Order 2015-27

Revised Attachment A

1. Family Law Case Requirements Order (with minor children)
2. Family Law Case Requirements Order (without minor children)
3. Order Setting Hearing on Temporary Matters and Ordering Mediation if Required
4. Motion to Waive Mediation
5. Ruling on Motion to Waive Mediation
6. Attorney's Certification of Compliance with Pretrial Requirements
7. Pretrial Order
8. Mediator's Certificate of Compliance
9. Order for Mediation of Contempt Matter
10. Uniform Trial Scheduling Order (Domestic Relations Cases)

IOWA DISTRICT COURT IN AND FOR _____ COUNTY

Upon the Petition of

Petitioner,

And Concerning

Respondent.

No. _____

**FAMILY LAW CASE
REQUIREMENTS ORDER
(with minor children)**

This Order tells each person in this case what you must do to get a final order from the Court. These requirements apply to both people, whether you have a lawyer or not. In general, you are both required to:

1. Attend a "Children in the Middle" course within 45 days from the date the Petition and Original Notice are served on the person named as Respondent. In Polk County a list of approved programs is available in Courtrooms 412/413. In all other counties a list is available from the Clerk of Court.
2. Give certain financial information to your lawyer, if you have one, and to the other person or their lawyer not more than 60 days from the date the case is filed.
3. Prepare and file with the Clerk of Court a Child Support Guideline Worksheet 10 days before the Pretrial Conference (80 days after the case is filed).
4. Participate in a Pretrial Conference, which is scheduled approximately 90 days after this case is filed, or have your attorney submit a signed certificate stating all pretrial requirements have been met. The pretrial certification option is available only when both parties are represented by attorneys.
5. Attend together a mediation session with a mediator within 60 days after the Pretrial Conference, if you have not settled the case before that.
6. If you have not agreed on all issues in your case, you will need to schedule the case for trial with a Uniform Trial Scheduling Order. For a Uniform Trial Scheduling Order in Polk County, call Court Administration at 515-286-3930. In all other counties contact the Rural Case Coordinator at 515-286-3859. If you agree on all issues, submit a settlement agreement and request to see a judge to finalize your decree. To do this call 515-286-3930 in Polk County, or contact the Rural Case Coordinator at 515-286-3859 for other counties.

If neither party has an attorney, then the forms adopted by the Iowa Supreme Court in Chapter 17 of the Iowa Court Rules **must** be used by the parties. Those forms may be found on the Iowa Judicial Branch website. At the time of the pretrial conference, both parties are required to submit **either** Forms 227 (Request for Relief in a Dissolution of Marriage with

Children) and 230 (Proposed Parenting Plan) or Forms 228 (Settlement Agreement for a Dissolution of Marriage with Children) and 229 (Agreed Parenting Plan).

These requirements are designed to encourage you and the other person in the case to exchange information and to discuss possible settlement of your case before going to trial before a judge. These requirements are also intended to make trials available more quickly for people who cannot settle their cases.

If you want a court order for temporary support, visitation/custody, or assigning responsibility to pay bills after the case is filed and before you receive a final Decree, you should also use the order titled "Order For Mediation of Temporary Matters and Setting Hearing." This will give you a fairly prompt court date to have a judge make a decision on these matters.

IT IS THEREFORE ORDERED AS FOLLOWS:

I. Children in the Middle Course Requirement. Pursuant to Iowa Code § 598.15 the parties to any action which involves the issues of child custody or visitation must participate in a court-approved class called Children in the Middle to educate and sensitize the parties to the needs of the children. Therefore, unless waived by the court for good cause, you shall participate at your own expense in one of the court-approved classes which provide information about how children are affected by a divorce or a custody dispute and how to best deal with the needs of the children. In Polk County a list of these programs is available in courtrooms 412/413. In all other counties this list is available through your local clerk of court's office. This list is also on the Iowa Judicial Branch web site (www.iowacourts.gov). Each person is responsible for making his or her own arrangements to attend a class by contacting one of the court-approved programs. At the conclusion of the class, you will be issued a Certificate of Completion which you must file with the Clerk of Court as proof of attendance. Any requests for a waiver or delay must be in writing, and shall be filed promptly and presented to the judge.

You must complete the class and file your certificate with the Clerk of Court within 45 days of the date the Petition is served on the person named as Respondent in this case. Iowa law requires that no final order may be entered until the parties have attended the class and filed a certificate with the clerk of court.

II. Financial Information Exchange. Not more than 60 days from the date the case was filed, you shall give your lawyer, if you have one, and to the other person or his/her lawyer the following information:

1. Paystubs or other documentation showing income from all sources, including all deductions for federal and state taxes, health insurance premiums, union dues, and mandatory pension withholdings for the past six (6) months. If possible provide a breakdown on the cost of single health insurance and the cost of a family plan;
2. Federal and State income tax returns, including all schedules and W-2's, for the last three (3) years, if not in the possession of the other person;
3. A current financial statement;
4. Statements of account or other documentation to support the assets or liabilities listed in the financial statement.

If you are involved in a dissolution of marriage (divorce) case, you must provide all the information listed. If you are involved in a modification case or an unmarried custody case, you only have to provide the information contained in paragraphs 1 and 2. Under the Iowa Rules of Civil Procedure, you and the other person have the right to request additional information from each other if you wish to do so.

III. Child Support Guideline Worksheets. Iowa law requires you to file Child Support Guideline Worksheets. These show your income and provide deductions for taxes and several other matters such as union dues, child care for the children involved in this case, and mandatory pension withholdings. In Polk County these forms are available in courtrooms 412/413. In all other counties these forms are available through the clerk of court. They are also on the Iowa Judicial Branch website (www.iowacourts.gov). If you do not have an attorney and are preparing the Child Support Guideline Worksheet yourself, you must make your best effort to supply the information requested on the form.

Child Support Guideline Worksheets must be filed with the clerk of court, and exchanged with the other person or attorney, ten days prior to the pretrial conference.

IV. Pretrial Conference. A pretrial conference with a judge is set for _____ (90 days after case filing) at _____ .m. in _____ (room number or courtroom) at the _____ County Courthouse. You, the other person, or your lawyers (if you and/or the other person are represented by a lawyer), shall appear before the Court and must report on the following:

- A. Whether you have attended a Children in the Middle course and filed the Certificate of Completion;
- B. Whether you have prepared and filed a Child Support Guideline Worksheet;
- C. Whether you have provided each other with the court-ordered financial information and filed affidavits of financial status;
- D. Whether there are any issues that have been agreed to and which issues you and the other person do not agree to. If you have agreed to all issues, you must present a proposed Decree or Order approved by all parties and attorneys within thirty (30) days after the date of the pretrial conference.

Optional Certification Procedure

If both sides are represented by an attorney and your attorney submits a signed certificate stating all pretrial requirements have been met, you and your attorney need not attend the pretrial conference. If both sides file a certification that all pretrial requirements have been met, counsel must promptly notify the case coordinator so the pretrial conference can be removed from the Court's calendar. For Polk County cases, notify the case coordinator at 515-286-3930. In all other counties, notify the Clerk of Court. **If one or both sides do not have a lawyer, both sides must attend the pretrial conference.**

V. Mediation Requirement.

Iowa Code § 598.7 provides that the Court may require the parties to participate in mediation in a marriage dissolution or related proceeding. This Court finds that mediation may effectuate a resolution of the differences without court intervention and is in the best interest of the parties. You must meet with a mediator by _____ (60 days after the pretrial conference).

The mediator will help you discuss your concerns and possible settlement options in your case, but the mediator will NOT give you legal advice or make any decisions for you. Your attorney may attend mediation with you.

1. To arrange for your mediation session, you must contact the Coordinator of the District Court Mediation Program, Joe Harrison, 500 S.W. 7th, Suite 100, Des Moines, Iowa 50309, (515) 286-2140, jharrison@pcbaonline.org, a similarly qualified mediation service, or a qualified family law mediator to arrange a mediation session. If you cannot agree on a mediator, you may request the judge to appoint one for you.
2. Unless otherwise ordered or agreed to, each person shall pay one-half the cost of the mediation. Payment shall be due and payable the day of mediation. Reduced rates are available for indigent people. If you believe you cannot afford to pay a mediator, you may apply to the District Court Mediation Program for a reduced rate.
3. Mediation may not be appropriate if domestic abuse has occurred. Notify your attorney and/or the mediation program if you have been abused by the other person. An application for the court to waive mediation can be obtained from the District Court Mediation Program or the Clerk of Court, and should be filed within ten days of the pretrial conference.
4. **No trial date will be assigned until mediation has been completed and the mediator has filed the certificate of compliance with mediation.**
5. **At the conclusion of mediation, the parties shall either:**
 - a) **Within 30 days, present a final Decree or Order signed and approved by all parties and counsel to the judge; or**
 - b) **Within 14 days, obtain a Uniform Trial Scheduling Order. See paragraph 6 on page 1.**

VI. Requests for Waiver. If you believe you cannot fulfill any of the requirements listed in this order, you may file a written motion seeking a waiver of the requirements. The requirements are waived only after a judge has signed an order waiving them.

VII. Penalties for failing to comply with this Order. If you have not met any of the requirements of this Order, you may be penalized and/or fined by the Court under Iowa Rule of Civil Procedure 1.602(5). The penalties may include, but are not limited to, a dismissal of the case, entry of default against you which grants the other person their requested relief, an award of attorney fees to the other person, or a fine. In addition, the judge could limit the evidence you can present at trial. For failure to complete Children in the Middle, the court could deny or restrict your parenting time.

Dated: _____, 20____.

ARTHUR E. GAMBLE
JUDGE, FIFTH JUDICIAL DISTRICT

This order is to be served with the Petition and Original Notice.

IOWA DISTRICT COURT IN AND FOR _____ COUNTY

Upon the Petition of

Petitioner,

And Concerning

Respondent.

No. _____

**FAMILY LAW CASE
REQUIREMENTS ORDER
(without minor children)**

This Order tells each person in this case what you must do to get a final order from the Court. These requirements apply to both people, whether you have a lawyer or not. In general, you are both required to:

1. Give certain financial information to your lawyer, if you have one, and to the other person or their lawyer not more than 60 days from the date the case is filed.
2. Participate in a pretrial conference, which is scheduled approximately 90 days after this case is filed, or have your attorney submit a signed certificate stating all pretrial requirements have been met. The pretrial certification option is available only when both parties are represented by attorneys.
3. Attend together a mediation session with a mediator within 60 days after the pretrial conference, if you have not settled the case before that.
4. If you have not agreed on all issues in your case, you will need to schedule the case for trial with a Uniform Trial Scheduling Order. For a Uniform Trial Scheduling Order in Polk County, call Court Administration at 515-286-3930. In all other counties contact the Rural Case Coordinator at 515-286-3859. If you agree on all issues, submit a settlement agreement and request to see a judge to finalize your decree. To do this call 515-286-3930 in Polk County, or contact the Rural Case Coordinator at 515-286-3859 for other counties.

These requirements are designed to encourage you and the other person in the case to exchange information and to discuss possible settlement of your case before going to trial before a judge. These requirements are also intended to make trials available more quickly for people who cannot settle their cases.

If you want a court order for temporary support or to assign responsibility to pay bills after the case is filed and before you receive a final Decree, you should also use the order titled "Order for Hearing on Temporary Matters (mediation not required)." This will give you a fairly prompt court date to have a judge make a decision on these matters.

IT IS THEREFORE ORDERED AS FOLLOWS:

I. Financial Information Exchange. Not more than 60 days from the date the case was filed, you shall give your lawyer, if you have one, and to the other person or his/her lawyer the following information:

1. Paystubs or other documentation showing income from all sources, including all deductions for federal and state taxes, health insurance premiums, union dues, and mandatory pension withholdings for the past six (6) months;
2. Federal and State income tax returns, including all schedules and W-2's, for the last three (3) years, if not in the possession of the other person;
3. A current financial statement;
4. Statements of account or other documentation to support the assets or liabilities listed in the financial statement.

II. Pretrial Conference. A pretrial conference with a judge is set for _____ (90 days after case filing) at _____ .m. in _____ (room number or courtroom) at the _____ County Courthouse. You, the other person, or your lawyers (if you and/or the other person are represented by a lawyer), shall appear before the Court and must report on the following:

- A. Whether you have provided each other with the court-ordered financial information and filed affidavits of financial status;
- B. Whether there are any issues that have been agreed to and which issues you and the other person do not agree to. If you have agreed to all issues, you must present a proposed Decree or Order approved by all parties and attorneys within thirty (30) days after the date of the pretrial conference.

Optional Certification Procedure

If both sides are represented by an attorney and your attorney submits a signed certificate stating all pretrial requirements have been met, you and your attorney need not attend the pretrial conference. If both sides file a certification that all pretrial requirements have been met, counsel must promptly notify the case coordinator so the pretrial conference can be removed from the Court's calendar. For Polk County cases, notify the case coordinator at 515-286-3930. In all other counties, notify the Clerk of Court. **If one or both sides do not have a lawyer, both sides must attend the pretrial conference.**

III. Mediation Requirement.

Iowa Code § 598.7 provides that the Court may require the parties to participate in mediation in a marriage dissolution or related proceeding. This Court finds that mediation may effectuate a resolution of the differences without court intervention and is in the best interest of the parties. You must meet with a mediator by _____ (60 days after the Pretrial Conference).

The mediator will help you discuss your concerns and possible settlement options in your case, but the mediator will NOT give you legal advice or make any decisions for you. Your attorney may attend mediation with you.

1. To arrange for your mediation session, you must contact the Coordinator of the District Court Mediation Program, Joe Harrison, 500 S.W. 7th, Suite 100, Des Moines, Iowa 50309, (515) 286-2140, jharrison@pcbaonline.org, a similarly qualified mediation service, or a qualified family law mediator to arrange a mediation session. If you cannot agree on a mediator, you may request the judge to appoint one for you.
2. Unless otherwise ordered or agreed to, each person shall pay one-half of the costs of the mediation. Payment shall be due and payable the day of mediation. Reduced rates are available if you are indigent. If you believe you cannot afford to pay a mediator, you may apply to the District Court Mediation Program for a reduced rate.
3. Mediation may not be appropriate if domestic abuse has occurred. Notify your attorney and/or the mediation program if you have been abused by the other person. An application for the court to waive mediation can be obtained from the District Court Mediation Program or the Clerk of Court, and should be filed within ten days of the pretrial conference.
4. **No trial date will be assigned until mediation has been completed and the mediator has filed the certificate of compliance with mediation.**
5. **At the conclusion of mediation, the parties shall either:**
 - a) **Within 30 days, present a final Decree or Order signed and approved by all parties and counsel to the Court; or**
 - b) **Within 14 days, obtain a Uniform Trial Scheduling Order. See paragraph 4 on page 1.**

IV. Requests for waiver. If you believe you cannot fulfill any of the requirements in this Order, you may seek a waiver of the requirements by written application to a District Court Judge. The requirements are waived only after the judge has signed an order waiving them.

V. Penalties for failing to comply with this Order. If you have not met any of the requirements of this Order, you may be penalized and/or fined by the Court under Iowa Rule of Civil Procedure 1.602(5). The penalties may include, but are not limited to, a dismissal of the case, entry of default against you which grants the other person their requested relief, an award of attorney fees to the other person, or a fine. In addition, the judge could limit the evidence you can present at trial.

Dated: _____, 20____.

ARTHUR E. GAMBLE
JUDGE, FIFTH JUDICIAL DISTRICT

This order is to be served with the Petition and Original Notice.

IN THE IOWA DISTRICT COURT IN AND FOR COUNTY

No.:

**ORDER
SETTING HEARING ON TEMPORARY
MATTERS AND ORDERING MEDIATION
IF REQUIRED**

Petitioner,

and

Respondent

An application has been filed in the above-captioned matter seeking an order concerning:

- ☐ Temporary Custody
- ☐ Temporary Physical Care
- ☐ Temporary Visitation
- ☐ Temporary Child Support
- ☐ Temporary Spousal Support
- ☐ Temporary Financial Matters
- ☐ Temporary Possession of the Marital Residence
- ☐ Other _____

[option] Mediation is required because custody, physical care or visitation is disputed.

[option] Mediation is not required because custody, physical care or visitation is not disputed.

[option] For good cause shown, [option petitioner/respondent]'s motion to waive mediation is granted.

[option] You are **ORDERED** to participate in mediation prior to the date of hearing in an attempt to resolve the temporary parenting issues in this case and any other issues you mutually agree to mediate as follows:

- (1) You must contact the Coordinator of the District Court Mediation Program, Joe Harrison, 500 S.W. 7th Street, Suite 100, Des Moines, IA 50309 (515) 286-2140, jharrison@pcbaonline.org, a similarly qualified mediation service, or a qualified family law mediator within seven (7) days of the date of this order to arrange a mediation session. If you do not arrange a mediation session, one may be set for you by the District Court Mediation Program.

- (2) Mediation shall be completed two days prior to the hearing date.
- (3) Each party shall pay one-half the cost of the mediation. Payment shall be due and payable the day of the mediation.
- (4) If you believe you cannot afford mediation, you may apply to the District Court Mediation Program for a mediator at a reduced rate.
- (5) You must notify the attorneys and/or the mediation program immediately if you have been abused by the other party. Mediation may not be appropriate if domestic abuse has occurred. [end option]

Hearing on temporary matters as indicated above is scheduled for the day of ,
20 , at m., in the County Courthouse, Courtroom . This hearing
will be cancelled if a settlement is reached, either through mediation or negotiation.

This hearing will be decided on written, notarized statements and copies of relevant documents. No live testimony will be received at the hearing, unless ordered by the judge.

Any written statements or other documents, except for affidavits of financial status, shall not be filed until mediation is completed.

Copies to:

Petitioner's Attorney
Respondent's Attorney
Pro Se Petitioner
Pro Se Respondent
District Court Mediation Program
Other

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY

_____,

Petitioner,

and

_____,

Respondent

No.: _____

MOTION TO WAIVE MEDIATION

I request that the court waive the order for mediation in this case for the following reasons:

1. ____ I am a protected party in a currently valid domestic abuse protective order or no-contact order issued in a civil or criminal case. A copy of the order is attached to this application. (If an order is not attached, provide the name of the case, case number, county in which the order is issued, the date of issuance): _____

2. ____ There is a history of domestic abuse, as defined in Iowa Code Section 598.41(3)(j) (for example, previous filings for protective orders by me, violations of protective orders or no-contact orders by the other party, police response to domestic abuse calls, or domestic abuse assault convictions or arrests of the other party.) Because of that history I believe I am in danger of physical or emotional abuse in connection with a mediation session. Describe history of domestic abuse:

3. ____ I seek a waiver of mediation for other reasons (set forth reasons):

4. My name _____
Address: _____

Other party/attorney's name _____
Address: _____

_____(check here) I CERTIFY THAT THE STATEMENTS IN THIS MOTION ARE TRUE AND CORRECT, AND I HAVE MAILED A COPY OF THIS MOTION TO THE OTHER PARTY'S ATTORNEY OR TO THE OTHER PARTY IF UNREPRESENTED BY AN ATTORNEY

Signature of Attorney or Party Filing Motion if
unrepresented by an Attorney

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY

<p>_____,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">and</p> <p>_____,</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case No.: _____</p> <p style="text-align: center;">RULING ON MOTION TO WAIVE MEDIATION</p>
--	--

Petitioner's/Respondent's (circle one) Motion to Waive Mediation is before the court.

☐ The court finds that the motion should be granted, and the parties are not required to attend mediation.

☐ The court finds that the motion should be denied. The moving party has not stated sufficient grounds to waive the requirement to attend mediation.

The court further finds _____

_____.

IT IS ORDERED that the motion to waive mediation is granted/denied (circle one).

Dated this _____ day of _____, 20____.

DISTRICT COURT JUDGE
Fifth Judicial District of Iowa

Copies to:

____ Petitioner
 ____ Respondent
 ____ Petitioner's Attorney
 ____ Respondent's Attorney

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY

_____,
Petitioner,
and
 _____,
Respondent

No.: _____

**ATTORNEY'S CERTIFICATION OF
 COMPLIANCE WITH PRETRIAL
 REQUIREMENTS**

The undersigned counsel certifies that I have filed the following documents in this case (indicate "N/A" if not applicable):

PETITIONER/ RESPONDENT (CIRCLE APPROPRIATE PARTY)

_____ AFFIDAVIT OF FINANCIAL STATUS
 _____ CHILD SUPPORT GUIDELINE WORKSHEET
 _____ CHILDREN IN THE MIDDLE CERTIFICATE

I further certify that Petitioner/Respondent has provided to the other side the financial information required by the Family Law Case Requirements Order. I will promptly contact the other attorney and we will arrange with the case coordinator of the Fifth Judicial District Court Mediation Program to schedule mediation of disputed issues and attend a mediation session within 60 days.

The disputed issues in this case are: ☐ Child custody ☐ Child support ☐ Visitation
☐ Alimony ☐ Property and debts ☐ Attorney fees and costs ☐ Other _____

 ATTORNEY FOR PETITIONER/ RESPONDENT
 (signature and address)

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY

_____, Petitioner,	Case No.: _____
and	PRETRIAL ORDER
_____, Respondent	(this order must be filed following the Pretrial Conference)

On this _____ day of _____, 20____, the following personally appeared for Pretrial Conference:

Petitioner: _____ Respondent: _____

Petitioner's Attorney: _____ Respondent's Attorney: _____

1. PRETRIAL DOCUMENTS

The parties submitted the following documents to the Court (write "yes," "no", or "N/A" if not applicable to this case):

PETITIONER

RESPONDENT

_____	AFFIDAVIT OF FINANCIALS STATUS	_____
_____	CHILD SUPPORT GUIDELINE WORKSHEET	_____
_____	CHILDREN IN THE MIDDLE CERTIFICATE	_____
_____	FORMS 227 AND 230 OR 228 AND 229	_____
	(FOR CASES WITH CHILDREN WHERE BOTH	
	PARTIES ARE SELF-REPRESENTED)	

2. SANCTIONS

☐ (Check box if one or more of the parties failed to submit a required document) The parties were previously ordered to submit these documents. One or more of the parties/attorneys willfully failed to comply with an order of this court, and IT IS ORDERED that sanctions shall be imposed as follows:

In addition, Petitioner/Respondent (circle appropriate party/parties) shall file the needed documents within 14 days or further sanctions may be imposed.

3. ISSUES

The disputed issues in this case are: ☐ child custody; ☐ child support; ☐ visitation; ☐ alimony
☐ property and debts; ☐ attorney fees and costs; ☐ other _____

4. MEDIATION

If there are disputed issues, you must participate in mediation within 60 days and file a certificate of mediation, unless waived by the court. You may call 515-286-2140 to schedule your mediation. See your Family Law Case Requirements Order concerning the requirements for mediation.

District Judge
Fifth Judicial District of Iowa

Copies to:

 PETITIONER'S ATTORNEY

 PETITIONER

 RESPONDENT'S ATTORNEY

 RESPONDENT

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY

_____	:	NO. _____
	:	
Petitioner,	:	MEDIATOR'S
	:	CERTIFICATE OF COMPLIANCE
vs.	:	WITH REQUIREMENTS OF
	:	MEDIATION
_____	:	
	:	
Respondent	:	

On the issues of: ☐ Temporary Matters ☐ Contempt ☐ Final Matters

The undersigned hereby certify that Petitioner and Respondent:

1. Have complied with the requirement of mediation in the above-captioned case by attending a mediation session on _____, 20____, with mediator _____.
2. If this is a mediation of temporary matters, a temporary matters order approved by all parties and counsel will be submitted to the court prior to the date scheduled for hearing, or the parties shall appear for the hearing as scheduled. If this is a mediation of a contempt action, a dispositive order approved by all parties and counsel will be submitted to the court prior to the scheduled hearing date, or the parties shall appear for the hearing. Notify the Case Coordinator prior to the hearing date if a hearing is no longer necessary (515-286-3930 for Polk County cases and 1-800-532-1429 for all other counties).
3. If this is a mediation of final matters circle the appropriate option:
 - (a) An Order Setting Trial will be filed within fourteen (14) days.
 - (b) A Decree or Order approved by all parties and counsel will be presented to the Court within thirty (30) days.
4. The parties are responsible for filing this certificate with the Clerk of Court within 3 business days of mediation, or prior to the next scheduled event, whichever is first.

Dated this _____ day of _____, 20____.

 (Petitioner/Attorney)

 (Respondent/Attorney)

 (Mediator)

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY

_____ ,	:	CASE NO. _____
	:	
Petitioner,	:	
	:	
vs.	:	ORDER FOR MEDIATION OF
	:	CONTEMPT MATTER
	:	
_____ ,	:	(mediation not required if nonpayment
	:	of support is the only issue)
Respondent	:	

An application claiming contempt has been filed in the above-captioned matter.

Iowa Code Section 598.7 provides the Court may order parties to participate in mediation in a marriage dissolution action or other domestic relations action. The Court concludes mediation is appropriate in this matter.

Therefore, the parties are **ORDERED** to participate in mediation prior to the date of hearing in an attempt to resolve the issues in this contempt action.

The parties shall:

- (1) Contact Joe Harrison, District Court Mediation Program, 500 S.W. 7th, Suite 100, Des Moines, IA 50309 (515) 286-2140, jharrison@pcbaonline.org, a similar mediation service, or a mediator within seven (7) days of the date of this order to arrange a mediation session. If the parties do not arrange a mediation session, one may be set for them by the District Court Mediation Program.
- (2) **Mediation shall be completed two days prior to the hearing date.**
- (3) If the parties are indigent, they may apply for a mediator at a reduced rate.
- (4) Each party shall pay one-half the cost of the mediation. Payment shall be due and payable the day of the mediation.
- (5) Notify the attorneys and/or the mediation program immediately if you have been abused by the other party. Mediation may not be appropriate if domestic abuse has occurred.

DATED this _____ day of _____, 20__.

DISTRICT COURT JUDGE
Fifth Judicial District of Iowa

Copies to:

____ Petitioner
____ Respondent
____ Petitioner's Attorney
____ Respondent's Attorney

IN THE IOWA DISTRICT COURT OF _____ COUNTY

 Petitioner(s)
 vs.

Respondent(s)

Case No. _____

UNIFORM TRIAL SCHEDULING ORDER
(Domestic Relations Cases)
 Original Dissolution ☐
 Modification ☐
 Other: _____ ☐

1. Petition was filed: _____. Trial is set for the ____ day of _____, 20____, at _____ m., in the _____ County Courthouse, _____. Estimated trial time is _____ hours/days. Continuances are the exception, not the rule.
2. Experts shall be designated no later than ninety (90) days before trial or by _____.
3. Discovery shall be completed no later than thirty (30) days before trial or by _____.
4. The only contested issues for trial are:

a. <input type="checkbox"/> Child Custody	d. <input type="checkbox"/> Alimony	g. <input type="checkbox"/> Other: _____
b. <input type="checkbox"/> Child Support	e. <input type="checkbox"/> Property & debts	
c. <input type="checkbox"/> Visitation	f. <input type="checkbox"/> Attorney fees & costs	
5. Ten (10) days prior to trial each party shall:
 - a. File and exchange witness and exhibit lists and exchange pre-marked exhibits. All foundation, identification or authentication objections to exhibits are waived unless reserved in writing at least seven (7) days before trial.
 - b. File and exchange current financial statements and a stipulation of assets and liabilities, or an affidavit stating that the last filed statement and stipulation are current.
6. A written stipulation on uncontested matters, signed by both parties, as well as a written statement from each party as to specific requested relief on contested matters shall be submitted at trial.
7. Counsel shall be prepared to complete the examination of Petitioner and Respondent as the first two witnesses at trial.
8. Additional Provisions: _____
9. If this case is settled before trial, the parties/counsel shall immediately notify the Civil Case Coordinator (Polk County 515-286-3930; for all other counties in Fifth District please notify the Rural Case Coordinator (1-800-532-1429 or 515-286-3859), and shall submit a Decree to the Court for approval within thirty (30) days of the settlement.

Violation of this order may result in sanctions, including dismissal or a grant of the relief requested by the opposing party.

IT IS SO ORDERED on this ____ day of _____, 20____.

 JUDGE OF THE DISTRICT COURT, OR DESIGNEE
 Fifth Judicial District of Iowa

Approved (signed) by counsel/self-represented litigants:
PETITIONER
 (Include addresses, email, and telephone numbers)

RESPONSENT
 (Include addresses, email, and telephone numbers)

Original filed with the Clerk of Court, Copies to: Case Coordinator and counsel of record/self-represented litigants

For questions regarding documents filed with the court in this case, please see www.iowacourtsonline.org or call _____ (Insert Clerk of Court phone number).

If you or your client require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your ADA Coordinator at 515-286-3394. (If you are or your client is hearing impaired call Relay Iowa TTY at 1-800-735-2942)

IN THE IOWA DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT

IN THE MATTER OF COURT
ORDERED MEDIATION IN FAMILY
LAW MATTERS IN THE FIFTH
JUDICIAL DISTRICT

ADMINISTRATIVE ORDER 2011- 22

WHEREAS: Iowa Code Section 598.7(1) provides:

"The district court may, on its own motion or on the motion of any party, order the parties to participate in mediation in any dissolution of marriage action or other domestic relations action. Mediation performed under this section shall comply with the provisions of chapter 679C. The provisions of this section shall not apply if the action involves a child support or medical support obligation enforced by the child support recovery unit. The provisions of this section shall not apply to actions which involve domestic abuse pursuant to chapter 236. The provisions of this section shall not affect a judicial district's or court's authority to order settlement conferences pursuant to rules of civil procedure. The court shall, on application of a party, grant a waiver from any court-ordered mediation under this section if the party demonstrates that a history of domestic abuse exists as specified in section 598.41, subsection 3, paragraph "j".

The Fifth Judicial District lacks the judicial resources to have a comprehensive program of judicial settlement conferences in Election Districts 5A and 5B. Therefore, a program of court-ordered mediation is necessary to provide a system of alternate dispute resolution in the district.

A committee of the bench and bar of Judicial Election Districts 5A and 5B recommend the establishment of a court-ordered mediation program for domestic relations matters pursuant to Section 598.7 patterned after the existing Polk County program. A pilot project has been underway in Dallas, Warren, and Clarke Counties since December 1, 2010. Based on the success of the pilot project, the program should be implemented in all counties in the Fifth Judicial District.

The Polk County Bar Association has agreed to expand its program into Election Districts 5A and 5B with input from a steering committee from the district.

THEREFORE IT IS ORDERED: All litigants in domestic relations matters, including paternity actions involving custody and visitation, dissolution of marriage actions, and modification actions, shall complete mediation prior to trial. In addition,

litigants must complete mediation prior to a hearing on temporary matters involving child custody and/or visitation, and contempt of court actions. However, mediation is not required for temporary matters that do not involve child custody and/or visitation and mediation is not required for contempt actions where the sole issue is nonpayment of support (including child support, medical support, and spousal support).

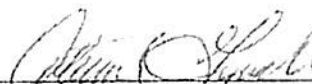
Mediation must be conducted by a qualified family law mediator. All mediators shall complete a family law mediation education program approved by the Coordinator of the District Court Mediation Program.

Upon the filing of a domestic relations action requiring mediation, the Court shall enter a Family Law Case Requirements Order (with minor children or without minor children, as applicable) using the updated form orders attached hereto and incorporated herein. The additional form orders and certificates referenced in Attachment A shall be used to implement the Family Law Case Requirements Order.

The Court retains discretion to waive mediation in any particular case for good cause on application and hearing upon a showing that a current valid domestic abuse protective order or no contact order under Iowa Code Chapter 236 is in effect; there has been a history of domestic abuse as defined in Iowa Code Section 598.41(3)(j); or there exist other grounds of emergency or necessity indicating that waiver of mediation is warranted or required to protect the substantive rights or interests of any party or person who might be affected by the decree or order disposing of the domestic relations matter. See Iowa Code Section 598.19.

This program shall be implemented in every county of the Fifth Judicial District for cases filed on or after October 1, 2011.

SO ORDERED this 12 day of September, 2011.


ARTHUR E. GAMBLE, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Cc: All Judges, Fifth Judicial District
All Clerks of Court, Fifth Judicial District
All District Court Court Attendants and Judicial Assistants, Fifth Judicial District
All Case Coordinators, Fifth Judicial District
All Bar Associations, Fifth Judicial District
Carol Burdette, Executive Director, Polk County Bar Association
Joe Harrison, 5th District Mediation Director, Polk County Bar Association
Iowa Supreme Court Justice David Wiggins, Fifth District Liaison Justice
David Boyd, State Court Administrator
Rebecca Colton, Legal Counsel to the Chief Justice, Iowa Supreme Court

Administrative Order 2011-22

Attachment A

1. Family Law Case Requirements Order (with minor children)
2. Family Law Case Requirements Order (without minor children)
3. Order for Mediation of Temporary Matters and Setting Hearing (custody, physical care, visitation, or by agreement)
4. Order for Hearing on Temporary Matters (mediation not required)
5. Motion to Waive Mediation
6. Ruling on Motion to Waive Mediation
7. Attorneys' Certification of Compliance with Pretrial Requirements
8. Pretrial Order
9. Mediator's Certificate of Compliance
10. Order for Mediation of Contempt Matter
11. Uniform Trial Scheduling Order (Domestic Relations Cases)